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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF :

ROBERT A. POLLARA, D.D.S. :
License No. 22DI 00874000 :

Administrative Action

LICENSED TO PRACTICE DENTISTRY :
IN THE STATE OF NEW JERSEY :

CONSENT ORDER

The New Jersey State Board of Dentistry ("Board") received information from the U.S. Department of Labor, Occupational Safety and Health Administration ("OSHA"), that OSHA had received a complaint that Robert A. Pollara, D.D.S. ("Dr. Pollara" or "respondent"), had failed to maintain appropriate safety and sanitary standards in his office. Upon further investigation, the Board received information that respondent permitted his employee Jeanne Gorman, R.D.H. ("Ms. Gorman"), to provide dental hygiene services to patients during time periods when he was not physically present in the dental office, contrary to the Board's regulations.

On November 18, 2004, investigators from the Division of Consumer Affairs Enforcement Bureau conducted an inspection of respondent's dental office. Upon arrival, investigators observed Ms. Gorman performing dental hygiene services on a patient. Dr. Pollara was not present in the office to provide direct supervision as required by Board regulations, but arrived shortly after. The inspection revealed that the office was clean and maintained in a sanitary manner, however, investigators found that all medications in the emergency kit reflected expiration dates between 1984 and 1987, capsules of Lidocaine and Carbocaine present in the operatory were expired, instruments were not bagged before placement in the Dry-Clave, and a spore test had not been performed on the autoclave. Dr. Pollara, through counsel, Pamela Mandel, Esq., has denied the allegations. He stated that the expired medications were from a supply that he had not used and acknowledged they should have been appropriately discarded. Dr. Pollara further detailed his sterilization procedures.

Having reviewed the record, it appears to the Board that these facts establish the basis for disciplinary action as respondent, by permitting his hygienist to provide services when he was not present in the office to directly supervise her, has engaged in willful and gross malpractice and willful and gross neglect pursuant to N.J.S.A. 45:6-61 and N.J.S.A. 45:1-21(c) and professional misconduct in violation of N.J.S.A. 45:1-21(e); has engaged in conduct in violation of Board regulations, specifically N.J.A.C. 13:30-1A.2(h) and N.J.S.A. 45:1-21(h); and, by failing to maintain medications and failing to test his autoclave and bag instruments prior to sterilization, has engaged in professional misconduct as determined by the Board pursuant to N.J.S.A. 45:1-21(e). It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 17th DAY OF Oct., 2012,

HEREBY ORDERED AND AGREED THAT:

1. Respondent is reprimanded for permitting his hygienist to work without his direct supervision in violation of the statutes and regulations administered by the Board.

2. Respondent shall cease and desist from further violations of the statutes and regulations governing the practice of dentistry.

3. Respondent shall pay a civil penalty pursuant to N.J.S.A. 45:1-22 in the amount of \$7,500, which amount reflects a penalty of \$5,000 for permitting a hygienist to work without direct supervision and a penalty of \$2,500 for failing to maintain current medications and failure to perform spore testing on his autoclave. Payment of the civil penalty and costs as set forth in paragraph 4 below (total \$11,320.33) shall be made in twelve monthly payments: eleven payments of \$1,000 and one payment of \$320.33.

The first payment shall be made by November 1, 2012, and subsequent payments shall continue to be due by the first of each month until all twelve payments are completed. In the event that respondent does not make a timely payment, the full balance will immediately become due. Payment shall be made by check or money order payable to the State of New Jersey and submitted to Jonathan Eisenmenger, Executive Director, New Jersey State Board of Dentistry, P.O. Box 45005, Newark, New Jersey 07101, upon entry of this Consent Order.

4. Respondent is assessed the costs of the investigation to the State in this matter in the amount of \$3,820.33. Payment for the costs shall be made pursuant to paragraph 3 above.

5. Respondent shall successfully complete an ethics course of not less than four hours in duration. The course must be pre-approved by the Board and must be

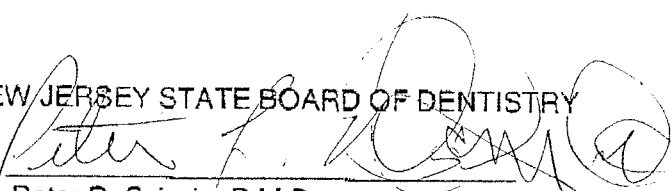
completed within six months of the date of this order. The course may be in-person or online; any online course must have a post test. Documentation of successful completion shall be provided to the Board within 14 days after completion of the course.

6. The Board shall conduct random and unannounced inspections of respondent's office at his expense for two years from the date of entry of this Consent Order to ensure compliance with all laws and regulations administered by the Board.

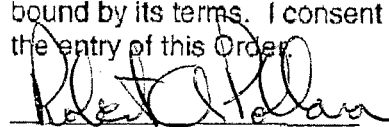
7. Failure to comply with any provision of this order shall result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

By


Peter DeSciscio, D.M.D.
President

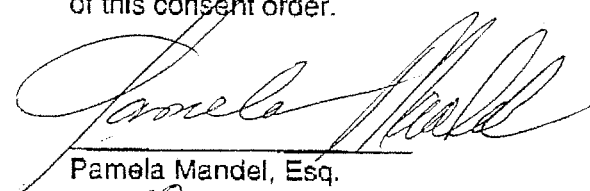
I have read and I understand this Consent Order and agree to be bound by its terms. I consent to the entry of this Order.


Robert Pollara, D.D.S.

Date

9/27/12

I consent to the form and entry of this consent order.


Pamela Mandel, Esq.

Date

Oct. 1, 2012